



BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Vincent Pusateri, II, Chairman

Daniel Sarefield

Linda M. Swears

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on March 16, 2015 in the Fitchburg Municipal Offices conference room, 166 Boulder Drive, Fitchburg, and called to order by Chairman Vincent Pusateri at 6:08PM. Commissioners Sarefield and Swears were present. FPD Sergeant Matthew Lemay was present.

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM THE PREVIOUS MEETING.

The minutes of the meeting held on March 2, 2015 were reviewed, approved and signed.

II. NEW APPLICATIONS

The ARC of Opportunity in North Central MA for Special One Day wine and malt beverages license for Take Me Out to the Ball Game fundraiser from 6PM to 9PM on April 10, 2015 for 200 people at 564 Main Street.
Approved 3/0

St. Joseph Church for Special One Day all alcoholic beverages license for Adult Dance from 7PM to 11PM on April 25, 2015 for 150 people inside the church cafeteria.
Approved 3/0

Finnish Center at Saima Park for Special One Day wine and malt beverages license for St. Urho Dinner from 6PM to 10:30PM for 60-80 people at Finnish Center of Saima Park function hall, 61 Scott Road.
Approved 3/0

III. HEARINGS

Bottoms Up Bar, Inc. dba KC's Pub, 1098 Main Street for Transfer of Stock, New Officer/Director, New Stockholder and Pledge of license.

Hearing held. No one spoke in opposition to or in favor of the application.

Approved 3/0

970 South Inc., dba Partner's Pub, 970 South Street for Alteration of Premises – Add outdoor seating/patio.
Commissioner Swears recused herself and left the room.

Mr. Walter Kirby was present. No one spoke in favor of the application.

Speaking in opposition to the application were the following:

Ms. Linda Arel, 11 Olin Drive: She stated that loud music, racing cars, screaming people are typical events at Partner's Pub and that if the licensed premise expands to the outdoors it will be worse.

Mr. and Mrs. David Manktelow, 26 Rockdale Ave: Written testimony submitted – attached hereto.

Mr. John Cordio, Wanoosnoc Rd.: He stated that there are two large buildings between his property and Partner's Pub but that it is very loud in the summertime. He stated that the plastic enclosure proposed for the patio will not cut down on noise. He stated that the property is not clean outside and any outside service of alcohol will make it worse. He stated that it is not unusual, now without an outdoor patio, to have thirty or more people outside using loud offensive language and sometimes with an alcoholic beverage in hand.

Mr. Glen Fossa, 8 Olin Drive: He stated that Partner's Pub has not been a good neighbor. He stated that an outdoor patio for 24 patrons plus 20 or more outside smoking will create an unacceptable noise and

disturbance level for the neighborhood. He stated that Mr. Kirby is not always in attendance at the bar on busy nights to control the outside situation and that he is strongly opposed to the outdoor patio application. Mr. Tom Herrick, 31 Olin Drive: He stated that the bar is very noisy now with patrons staying indoors and that an outdoor patio will produce an unacceptable level of noise for the neighborhood.

Mr. Kirby responded that the noise issue expressed by the neighbors is vastly over-stated. He stated that they have a 2AM late closing permit but sometimes close earlier depending on the crowd. He referenced one night last week that he closed at 1AM due to undesirable patrons in the bar. He stated that at closing time either he or his bartender Kevin goes outside to encourage people to move along and leave the area. He stated that he often requests police details but they cannot be filled. He stated that when he has police details there are less problems. He stated that he does not have a camera in the parking lot but would not be opposed to it. He stated that curtains in the windows and industrial strength automatic door closers will help with noise reduction.

Sgt. Matthew Lemay stated that Chief Martineau is opposed to the outdoor patio due to the noise potential in proximity to residential neighborhoods. The Sergeant presented a call history of police interventions at 970 South Street which is attached hereto.

Discussion completed. Upon suggestion from the Chair, Mr. Walter Kirby requested that the application be withdrawn.

The Board voted 2/0 to accept the request and the application was withdrawn.

Commissioner Swears returned to the room.

CONTINUED HEARING:

FINAL CONTINUANCE: Linda Meehan dba Iron Horse Lounge, 19 Airport Road for Transfer of Annual, General on premise, All Alcoholic Beverages license to Iron Horse Lounge, Inc., Ashley Hardy-McCauliff Manager.

Ms. Linda Meehan and Ms. Hardy-McCauliff were present. Chairman Pusateri noted that the issue that has precipitated this application has been pending for approximately eighteen months. He noted that the outstanding issue preventing the approval of the application is a lack of a DOR compliance letter. He noted that the Board has been lenient due to the health issues that Ms. Meehan has experienced and that contributed to the financial difficulties. He noted that although the establishment still does not have a DOR compliance letter and this is listed as a final continuance, Ms. Meehan presents tonight with a letter from a reputable tax accountant which states all payments are up to date, the certificate has been requested and that it is expected to be received within 4-6 weeks. He noted that if the application is sent in without a DOR compliance letter the ABCC will reject the application. He noted that within the last month Ms. Meehan has been on site acting as Manager full time.

Considering all of the information, the Board voted 3/0 to continue the hearing to May 4, 2016.

IV. MISCELLANEOUS

1. Proposed new regulation:

Prohibiting multiple fares in taxicabs:

The City of Fitchburg prohibits multiple fares in a taxicab at any one time. If there is more than one person in a taxicab at any given time, all persons must be traveling together to the same, one location.

Ms. Marylis Bramante, owner of City Cab was present.

Sgt. Lemay reported that this issue has been brought up due to complaints received at City Hall from patrons who feel unsafe in cabs with multiple fares. Ms. Bramante stated that the dispatcher always asks the client if they would mind another fare in the vehicle with them and if they object they do not pick anyone else up. She said they have been in business for fifty four years and it is critical to have multiple fares in one vehicle in order to maintain business during peak times. She stated that 50% - 75% of their business involves multiple fares.

Cab driver Christopher Green was also present. He stated that he has been working for City Cab for 20 years. He stated that it is difficult for cab drivers to make any money unless they have multiple fares. He stated that he feels safer with more than one fare in the vehicle.

By vote of 3/0 the Board voted to consider amending the proposed regulation and to continue the hearing.

2. Discussion:

A. Continued discussion: Peter Bellanton, North Central Coach and Cab, LLC, 435 Lancaster Street Leominster (formerly Centerline Transportation, LLC, 265 Summer St. Fitchburg) to discuss FPD Report #15-2288-OF.

Related application to discussion item:

Application for Late Closing: North Central Coach and Cab Services, 265 Summer Street, Angelina Bellanton, Manager for Seven days per week 24 hours per day sale of alcoholic beverages.

Mr. Bellanton contacted the Clerk earlier today to state he had a family emergency and was unable to attend the meeting.

The matters were continued to April 6, 2015 by vote of 3/0

B. City Council petition 39-2015: Councillor Joel Kaddy, to provide one day liquor licenses to certified art galleries, museums and non-profit 501C3 groups for \$10.00

Petition was discussed. Chairman Pusateri stated that a draft response to the petition would include the following points:

Most Special One Day licensees would not be affected by the proposed reduced fee; granting the petition would detract from his objective to have the several available annual pouring licenses issued to responsible licensees, many of whom could be entities named in the petition, for a reduced fee.

Discussion continued 3/0

C. Darren Plante – Owner D&E Quick Stop, Inc. dba ABS Gas & Go, 115 Lunenburg Street to discuss obtaining a Keno monitor for its customers.

Mr. Plante was present. He explained that he feels having a Keno monitor in his store will increase his customer base and revenue as customers will make other purchases while waiting for their Keno game. He stated that he has three parking spaces on one side of the building and two on the other. His employees park across the street. After discussion Mr. Plante indicated that he will move forward with the application. The MA Lottery Commission will notify the Board when the application has been made and they will have an opportunity to formally discuss the matter at that time.

D. Draft letter to alcohol distributors

Tabled 3/0

E. New license format from State pertaining to Public Entertainment on Sunday

Tabled 3/0

F. Police report 15-7694-OF

Report reviewed. The Clerk was directed to summons in the establishment for a hearing.

3. Review of existing taxi driver application:

One year review – David A. Bland

Review approved. 3/0

4. Continued taxi driver application:

Christopher Green – City Cab

Approved for two years. 3/0

5. Appeal of denied taxi driver application:

Manuel Lopez – City Cab

Approved for two years. 3/0

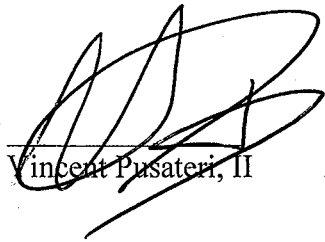
The meeting adjourned at 8:47 PM

Respectfully submitted,

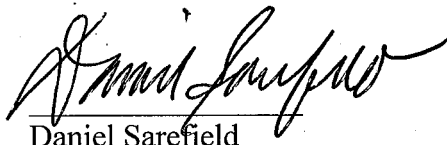


Anna M. Farrell
City Clerk

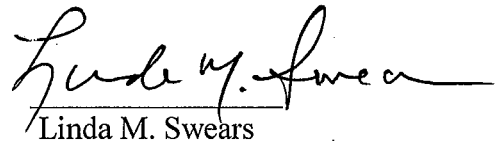
Approved:



Vincent Pusateri, II



Daniel Sarefield



Linda M. Swears